

REMARKS

Currently, claims 1-77 are pending, and claims 1-32 have been withdrawn from further consideration. Applicant would like to thank the Examiner for the courteous telephonic interview extended to the undersigned on January 4, 2007. As discussed during the interview, if the Examiner has any questions regarding the following species election, the Examiner will contact the undersigned telephonically.

In the previous Office Action dated December 4, 2006, the Examiner stated that following a preliminary search of the subject matter, a species election is now required. The Examiner stated that the claims are directed to patentably distinct species and the search and examination would be burdensome. Specifically, the Examiner has identified the following distinct species:

- (i) Claim 39 contains distinct species of delivery reagents;
- (ii) Claim 42 contains distinct ligands;
- (iii) Claims 46 and 47 contain distinct vectors;
- (iv) Claims 47 and 50 contain distinct viral vectors;
- (v) Claim 49 contains distinct psuedotyped viral vectors;
- (vi) Claims 51 and 53 contain distinct modes of administration;
- (vii) Claim 54 contains distinct modes of parenteral administration; and
- (viii) Claims 64-65, 68, and 69-70 contain distinct angiogenic diseases.

It is believed that the election of species set forth below addresses the issue raised by the Examiner in the current Office Action wherein the species elected did not correspond as required in the restriction requirement issued December 4, 2006, wherein the Applicant attempted to elect ligands that bind to tumor cells (claim 42) and age-related macular degeneration (claim 68). Accordingly, Applicant submits the following species election, wherein Applicant elects as the ligand of claim 42 a ligand that binds to receptors on vascular endothelial

cells, which is believed to correspond to the election of age-related macular degeneration as the angiogenic disease of claim 68, as specified on page 2 of the Office Action dated March 22, 2007. Applicant respectfully traverses this species election and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the following species:

- (i) Claim 39- liposomes as the delivery agent;
- (ii) Claim 42- ligand that binds to receptors on vascular endothelial cells as the ligand;
- (iii) Claim 47- recombinant viral vector as the vector;
- (iv) Claims 48 and 50- adeno-associated viral vector as the viral vector;
- (v) Claim 49- vesicular stomatitis virus as the psuedotyped viral vector;
- (vi) Claims 53- parenteral as the mode of administration;
- (vii) Claim 54- intraocular as the mode of parenteral administration; and
- (viii) Claims 68- age-related macular degeneration as the angiogenic disease.

In light of the foregoing species elections, the claims encompassed by the elected invention are as follows: claims 33-45, 47-50, 53-54, 57, 61-63, 66, 67, 70, 72, 73, 75 and 76.

It is respectfully submitted that the search classification for each invention group will substantially overlap. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper species election under MPEP§ 803.

CONCLUSION

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

By: 

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